



CWP-31436-2024

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-31436-2024

Date of Decision: 27.11.2024

**PUNJAB URBAN PLANNING & DEVELOPMENT AUTHORITY
(PUDA)PETITIONER**

VERSUS

GURINDER SINGH AND OTHERSRESPONDENTS

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MS. JUSTICE LAPITA BANERJI**

Present: Mr. Ratik Kapur, Advocate for the petitioner.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has challenged the order dated 01.01.2024 (Annexure P-3) passed by the National Consumer Disputes Redressal Commission (for short 'National Commission') whereby the appeal preferred by it against the order dated 17.06.2020 (Annexure P-1) passed by the State Consumer Disputes Redressal Commission (for short 'State Commission') has been dismissed.

2. Learned counsel for the petitioner submits that respondent No.1 had not made the entire payment towards allotment of the plot and therefore, the direction to refund the amount ought not to have been given. In the alternative, he further submits that the rate of interest on the refund of the amount @ 12% per annum is excessive and deserves to be reduced.

3. Heard.

4. Respondent No.1 had sought allotment of a plot in the scheme floated by the petitioner on 26.05.2015. Respondent No.1 is stated to have paid

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an amount of Rs.18,76,770/-. It was later discovered that the area upon which the plot sought by respondent No.1 was situated, falls in a riverbed of 'Patiala Ki Rao', therefore, the plot could not be developed and delivered to respondent No.1. Respondent No.1 had deposited 25% of the sale consideration amounting to Rs.17,37,750/- along with 2% Cancer Cess totalling Rs.18,76,770/-. In the terms and conditions of the allotment of plot, it has been specified that in case, the allottees do not deposit the amount within the stipulated time, then they would be liable to pay interest @ 12% per annum.

5. Respondent No.1 had sought allotment of a plot and had paid 25% of the amount. The plot could not be allotted to respondent No.1 for no fault of his. As a matter of fact, it was enjoined on the petitioner to have done due diligence for the viability of the scheme and only thereafter, it should have gone ahead with the allotment. The category of plots allotted to respondent No.1 had fallen in the riverbed of 'Patiala Ki Rao' and therefore, there was no fault of respondent No.1 in any manner. The amount which he had deposited has rightly been directed to be refunded along with interest @12% per annum.

6. In view of the above, we do not find any merit in this petition. Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

(LAPITA BANERJI)
JUDGE

27.11.2024

Prince

Whether speaking/ reasoned: Yes/No

Whether Reportable

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Yes/No